



S E N A T E

S. No. 1373

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PREPARED JOINTLY BY THE COMMITTEES ON WOMEN,  
CHILDREN, FAMILY RELATIONS AND GENDER  
EQUALITY; AND SOCIAL JUSTICE, WELFARE AND  
RURAL DEVELOPMENT, WITH SENATORS HONTIVEROS,  
DE LIMA, SOTTO III, ZUBIRI, VILLANUEVA, MARCOS,  
DRILON, ANGARA AND PANGILINAN AS AUTHORS  
THEREOF

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AN ACT PROTECTING CHILDREN BY PROHIBITING  
AND DECLARING CHILD MARRIAGE AS  
ILLEGAL AND PROVIDING PROGRAMS AND  
PENALTIES THEREOF

*Be it enacted by the Senate and House of Representatives of  
the Philippines in Congress assembled:*

1           SECTION 1. *Declaration of State Policy.* – The State  
2 recognizes the role of women and children in nation  
3 building and shall therefore protect and promote their  
4 empowerment which entails the abolition of the unequal  
5 structures and practices that perpetuate discrimination  
6 and inequality.

1           The State affirms children's rights as part of women's  
2 rights and human rights and shall intensify its efforts to  
3 fulfill its duties under the United Nation (UN) Convention  
4 on the Rights of Child and the Special Protection of  
5 Children Against Child Abuse, Exploitation and  
6 Discrimination Act to recognize, respect, protect, fulfill,  
7 and promote all human rights and fundamental freedoms  
8 of women and children, especially the girls, in the  
9 economic, social, political, cultural, and other fields.

10           SEC. 2. *Affirmation of the Principles of Human Rights*  
11 *of Women and Children.* – Human rights are universal,  
12 inalienable and indivisible. Human rights are inherent to  
13 the dignity of every human being regardless of age and  
14 gender whether they relate to civil, cultural, economic,  
15 political, or social issues.

16           Child marriage is an act of child abuse as it debases,  
17 degrades and demeans the intrinsic worth and dignity of  
18 children under the Special Protection of Children Against  
19 Child Abuse, Exploitation and Discrimination Act  
20 (Republic Act No. 7610). It is likewise considered

1 discrimination relating to marriage and family relations  
2 sought to be eliminated by the Convention on the  
3 Elimination of Discrimination Against Women (CEDAW).

4 The State affirms that marriage shall be entered into  
5 only with the free and full consent of the intending spouses  
6 and that betrothal and child marriages shall have no legal  
7 effect.

8 SEC. 3. Definition of Terms:

9 (a) *Children* - refers to persons below eighteen (18)  
10 years of age, or those unable to fully take care of  
11 themselves or protect themselves from abuse, exploitation  
12 or discrimination because of a physical or mental disability  
13 or condition.

14 (b) *Child Marriage* - any marriage entered into  
15 where one or both parties are children as defined in the  
16 paragraph above, and solemnized in civil or church  
17 proceedings, or in any recognized traditional, cultural or  
18 customary manner.

19 (c) *Solemnizing Officer* - any person authorized by  
20 law as defined in the Family Code or recognized by reason

1 of religion, tradition, culture or customs, to solemnize  
2 marriage.

3 (d) *Parents* - refer to biological parents or adoptive  
4 parents.

5 (e) *Guardians* - refer to legal guardians, relatives  
6 taking custody of the child or minor in the absence of the  
7 parents, or anyone to whom a child or minor was given or  
8 left for care or custody.

9 SEC. 4. *Facilitation of Child Marriage.* – Any person,  
10 who causes, fixes, facilitates or arranges a child marriage  
11 shall suffer the penalty of *prision mayor* in its medium  
12 period and a fine of not less than Forty thousand pesos  
13 (P40,000.00): *Provided, however,* That should the  
14 perpetrator be an ascendant, stepparent, or guardian of  
15 the minor, the penalty imposed shall be *prision mayor* in  
16 its maximum period, a fine of not less than Fifty thousand  
17 pesos (P50,000.00) and the loss of parental authority over  
18 the same.

19 SEC. 5. *Solemnization of Child Marriage.* – Any  
20 person who performs or officiates the formal rites of child

1 marriage shall suffer the penalty of *prision mayor* in its  
2 medium period and a fine of not less than Forty thousand  
3 pesos (P40,000.00), in addition to perpetual  
4 disqualification from office if he or she is a public officer.

5 SEC. 6. *Public Crimes.* – The prohibited act of child  
6 marriage, its facilitation and solemnization, are considered  
7 public crimes and can be initiated by any concerned  
8 individual.

9 SEC. 7. *Legal Effect of Child Marriage.* – Child  
10 Marriage is considered as void *ab initio*, hence, the action  
11 for annulment of child marriage does not prescribe. The  
12 legal effect of Child Marriage insofar as Support, Property  
13 Relations and Custody shall be governed by Articles 50-55  
14 of the Family Code.

15 SEC. 8. *Programs and Services.* – There shall be a  
16 culturally-appropriate comprehensive program and  
17 services to be formulated by the Department of Social  
18 Welfare and Development (DSWD) in coordination with  
19 other government agencies identified herein as duty-  
20 bearers and with the concerned civil society organizations

1 (CSOs) and nongovernment organizations (NGOs). This  
2 shall be made and initiated by the DSWD within six (6)  
3 months from the effectivity of this Code to ensure the over-  
4 all support, health and development of the children.

5       SEC. 9. *Duty-Bearers and Responsibilities.* – In order  
6 to prevent and eventually end child marriages and protect  
7 the children from this form of abuse and exploitation, the  
8 following government offices shall be responsible to take  
9 the necessary actions:

10       (a) Department of Social Welfare and Development  
11 (DSWD) - shall take the lead in the implementation of this  
12 Act and create programs that will address the prevalence  
13 of child marriage and provide appropriate services to  
14 children who were forced to enter into child marriage. It  
15 shall include information and awareness campaigns on the  
16 negative effects of child marriage.

17       (b) Council for the Welfare of Children (CWC) - shall  
18 work closely with the DSWD in strengthening policies to  
19 prohibit and end child marriage. It shall include the

1 advocacy to prevent child marriage in the Philippine plan  
2 of action to end violence against children.

3 (c) Department of Justice (DOJ) - shall assume  
4 responsibility in ensuring that the penal provisions of this  
5 Act are carried out and provide access to justice and legal  
6 services to victims.

7 (d) Department of the Interior and Local  
8 Government (DILG) - shall ensure that LGUs are  
9 monitoring the implementation of the law by maintaining  
10 a Children's Desk in all Philippine National Police (PNP)  
11 headquarters and barangay offices through the  
12 Local/Barangay Council for the Protection of Children.

13 (e) Department of Education (DepEd) - shall include  
14 the discussion on the impact and effects of child marriage  
15 in the comprehensive sexuality education curriculum.

16 (f) Department of Health (DOH) - shall ensure  
17 access to health services for the prevention of child  
18 marriage, as well as reproductive health and mental health  
19 services for children in child marriages.

1           (g) Family And Executive Courts' Judges - shall  
2 undergo trainings on the impacts and effects of child  
3 marriage to the over-all health and development of  
4 children and shall ensure strict application and  
5 implementation of the law

6           (h) Philippine Commission on Women (PCW) - shall  
7 integrate dissemination of the provisions of this Act in  
8 programs on public awareness and behavior-change  
9 communications.

10          (i) Commission on Human Rights (CHR) - shall  
11 monitor the implementation of this Act as Gender Ombud  
12 and through its Child Rights Center/Desk.

13          (j) National Commission on Muslim Filipinos  
14 (NCMF) - shall include in its program of action the  
15 awareness of Muslim communities on the impacts and  
16 effects of child marriage in the over-all health and  
17 development of children; the provisions of this law; ensure  
18 the implementation of this Act; monitor and report cases of  
19 child marriages in communities of jurisdiction.



1           (k) National Commission for Indigenous People  
2 (NCIP) - shall include in its program of action the raising  
3 of awareness of indigenous people communities on the  
4 impacts and effects of child marriage in the over-all health  
5 and development of children, ensure the implementation of  
6 this Act, and monitor and report cases of child marriages  
7 in the communities of jurisdiction.

8           SEC. 10. *Participation of Women and Girls.* – Duty-  
9 bearers should ensure that women and girls are not only  
10 consulted, but are able to participate fully in every step  
11 and stage of decision-making.

12           SEC. 11. *Implementing Rules and Regulations.* –  
13 Within ninety (90) days from the effectivity of this Act, the  
14 DSWD as lead agency, the DepEd, and the DOH in  
15 coordination with other concerned government agencies,  
16 and three (3) women and children organizations, shall  
17 promulgate the necessary rules and regulations for the  
18 effective implementation of this Act. They shall likewise  
19 incorporate the resources for programs and services in  
20 their annual budget.

1           SEC. 12. *Repealing Clause.* – All other laws, decrees,  
2 executive orders, issuances, rules and regulations or parts  
3 thereof inconsistent with the provisions of this Act are  
4 hereby repealed or modified accordingly.

5           SEC. 13. *Effectivity.* – This Act shall take effect fifteen  
6 (15) days after its complete publication in the *Official*  
7 *Gazette* or in at least two (2) national papers of general  
8 circulation.

Approved,